

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Calvin Boswell, Jr.,

Civil No. 08-1103 (RHK/FLN)

Petitioner,

ORDER

v.

Warden Jessica Symmes,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated February 6, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. No. 20) is **ADOPTED**;
2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**; and
3. This action is **DISMISSED WITH PREJUDICE**.

Dated: March 17, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge